



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 4910-98

3 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The microfiche record provided for the Board's review is incomplete. However, the Board found that you reenlisted in the Navy on 24 June 1992 for six years as an MS3 (E-4). At the time of your reenlistment, you had completed nearly four years of prior active service.

The record reflects that you were advanced to MS2 (E-5) on 16 September 1993. The last Evaluation Report and Counseling Record on file in your record is for the period 28 November 1995 to 15 March 1996. In that report, you received a (progressing) mark of 2.0 in military bearing/character which includes appearance, conduct, physical fitness, and adherence to Navy core values. Block 20 of that report states "P/NS" which means you passed physical readiness training (PRT) test but failed to meet weight standards or were not weighed.

You were honorably discharged on 17 October 1997 by reason of "physical standards" and assigned an RE-3F reenlistment code. It appears you should have received at least two more evaluation reports prior to your discharge. Neither the discharge processing documentation nor these evaluation reports are filed on the microfiche record.

The Board noted your contention that you never failed a PRT test and should have been assigned an RE-3T instead of an RE-3F reenlistment code because you did not meet body fat standards. Since the record does not contain the discharge processing documentation, which contains the facts and circumstances surrounding your separation for physical standards, and you provide no evidence to support your contention, the Board could find no valid basis for changing your assigned reenlistment code. Absent such evidence, a presumption exists that the action taken by the Navy to discharge you and assign an RE-3F reenlistment code was both appropriate and proper. The Board notes that both RE-3F and RE-3T reenlistment codes may be waived to allow reenlistment. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director